

12/28/01  
1131 U.S. PTO

Please type a plus sign (+) inside this box ☐

PTO/SB/05 (03-01)  
Approved for use through 10/31/2002. OMB 0651-0032  
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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 2401.0268C  
First Inventor Richard L. Goode  
Title Method of Making Ventilation Tube  
Express Mail Label No.

10/026775  
12/28/01

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
- ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ Specification [Total Pages 23]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 5]
- ☐ Oath or Declaration [Total Pages 2]
  - ☐ Newly executed (original or copy)  
Copy from a prior application (37 CFR 1.63 (d))
  - ☒ (for continuation/divisional with Box 18 completed)
    - ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
- ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - ☐ Computer Readable Form (CRF)
  - Specification Sequence Listing on:
    - ☐ CD-ROM or CD-R (2 copies); or
    - ☐ paper
  - ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
- ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. **USSN 08/427,909**
- ☒ Other: **as filed 4/26/95...**

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No 08/427,909  
Prior application information Examiner Bianco Group Art Unit 3762

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☒ Correspondence address below

Name Epstein, Edell, Shapiro, Finnan & Lytle, LLC  
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Name (Print/Type) Robert H. Epstein Registration No. (Attorney/Agent) 24,353  
Signature [Signature] Date 12/21/01

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)**740**

## Complete if Known

Application Number	
Filing Date	
First Named Inventor	Richard L. Goode
Examiner Name	
Group Art Unit	
Attorney Docket No.	2401.0268C

## METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **05-0460**  
 Deposit Account Name **Epstein, Edell & Retzer**

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Code (\$)	Small Entity Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	<b>740</b>
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$)**740**

## 2. EXTRA CLAIM FEES

Total Claims **7** - 20\*\* = **0** X Fee from below = **0**  
 Independent Claims **1** - 3\*\* = **0** X Fee from below = **0**  
 Multiple Dependent  X Fee from below = **0**

Large Entity Code (\$)	Small Entity Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)**0**

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

Large Entity Code (\$)	Small Entity Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Name (Print/Type) **Robert H. Epstein**Registration No. **24,353**  
(Attorney/Agent)

## Complete (if applicable)

Telephone **301-424-3640**

Signature

Date **12/21/01**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Atty Docket No.: 2401.0268C**

In re the PATENT application of

Richard L. Goode et al

Serial No.: Not Yet Assigned

Filed: Herewith

For: Method of Making Ventilation Tube

PRELIMINARY AMENDMENT

**BOX PATENT APPLICATION**

Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

Prior to examination on the merits, please amend the subject divisional application  
as follows:

In the Title

Delete the title in its entirety and insert the following new title:

--Method of Making Ventilation Tube--.

In the Drawings:

With the approval of the Examiner, please amend Fig. 2 to add reference numeral  
26 as shown in red on the enclosed photocopy to indicate the flange described on page  
7, line 24 of the specification.

In the Claims:

Cancel claims 1-14.

The following is a clean version of the entire set of claims presently pending in the subject application.

15. A method of making a medical ventilation tube comprising the steps of forming a hollow tubular shaft from a first material having a rigidity to resist bending and to maintain a passage through the shaft when the ventilation tub is placed in an anatomical structure; and

molding a flange onto the hollow tubular shaft using a second material having a rigidity less than that of the first material to permit the flange to deform in response to contact with the anatomical structure.

16. A method of making a medical ventilation tube as recited in claim 15 wherein said molding step includes placing the hollow tubular shaft within a mold having a cavity configured to form the flange.

17. A method of making a medical ventilation tube as recited in claim 16 wherein said molding step further includes injecting the second material into the mold to fill the cavity and thermally bond with the hollow tubular shaft.

18. A method of making a medical ventilation tube as recited in claim 15 wherein said molding step further includes using a polymer having a durometer of about 50 as the second material.

19. A method of making a medical ventilation tube as recited in claim 15 wherein said step of forming a hollow tubular shaft includes extruding a continuous length of hollow tubing and cutting the hollow tubing to a predetermined length.

20. A method of making a medical ventilation tube as recited in claim 19 wherein said step of forming a hollow tubular shaft further includes using a polymer having a durometer of about 90 to about 95 as the first material.

21. A method of making a medical ventilation tube as recited in claim 15 wherein said step of forming a hollow tubular shaft includes molding a ventilation tube using the first material and trimming the flange away.

#### REMARKS

Claims 15-21 remain in the pending patent application, with claims 1-7 and 9-11 having been canceled.

In view of the above, the present application should now be in condition for early action on the merits.

Respectfully submitted,



Robert H. Epstein  
Registration No. 24,353

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